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AN ESSAY
CONCERNING
PARLIAMENTS
AT A
CERTAINTY;
OR,
The KALENDS of MAT.

BY
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Vice Cotis fungar. Horace.

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TO THE
Barons and Commons
OF ENGLAND
In Parliament Assembled.

May it please your Honours.

YOU either knew more of the
Matter contained in these Papers,
or less, or the same. If you
knew more, I should be glad to see it in
your Laws which you mean to Establish.
Or which is better, in your Declaration of
A 2 the

(ii)

*the Constitution. If not ; no Body can find
fault with my poor Office of bearing a
Light, but they that have very ill Eyes.*

*I am the known Servant of You,
and of my whole Country,*

Samuel Johnson.

A N

AN ESSAY

Concerning Parliaments at a Certainty.

CHAP. I.

Shewing that the Frequent meeting of Parliaments is the Basis of our Constitution, and the True of the Government; and that the Intermission of them is Inconsistent with the Body of the English Law.

IF a Man would have an entire View of the English Constitution, he must have recourse to those Able and Approved Authors who have written Purposely on that Subject. For it is a Rule, *Parva est Autoritas aliud Agentis*; and what is said by the by, is of less Weight, than what is professedly handled; provided it have been Maturely considered, by a Competent Judge of that Matter of which he treats. And in this kind we

do not find a Man better Qualified than the Learned Lord Chancellor *Fortescue*, who was an Aged Lawyer, and had been Lord Chief Justice of *England* when he wrote his Book *de laudibus Legum Anglie*, which was on purpose in a Dialogue with the Prince of *Wales*, to inform him of the Nature of the English Constitution, and to let him know by what Sort of Laws the Realm, in which he was to Succeed his Father, was to be Governed. And therefore he adjures him over and over again to Addict himself to the Understanding of the Laws of his Father's Realm, wherein he was to Succeed, *Fol. 16. a.* and having shewed the Prince the Different nature of Realms, where a King could Tyrannize, and where he could not, being restrained by Politick Laws, *Fol. 16. b.* Rejoyce therefore (says he) most Excellent Prince and be glad, That the Law of the Realm in which you are to succeed is Such, for it shall exhibit and minister to You and your People no small Security and Comfort.

But out of that excellent Book which I believe no way Warped, (for then it must lean towards the Court, partly because of the Flattery and Officiousness which is too often found in Dialogues with Princes, and partly because the Author was retained on the Crown side by the Greatest Office in *England*;) I will confine my Self to those Passages only which

which relate to the Frequency of Parliaments. And the first I meet with is in his 1st Chap. concerning the Statutes of *England* in these words. “ Et si
 “ Statuta hac, tanta solemnitate & prudentia edita,
 “ efficaciarum tantarum, quantarum conditorum cupiebat in-
 “ tentio, non esse contingant: *Concord* reformari
 “ ipsa possunt, at non sine Communitatis & Pro-
 “ cerum Regni illius assensu, quali ipsa primitus
 “ emanarunt. And if these Statutes fall short of
 their intended Efficacy, though devised with such
 great Solemnity and Wisdom of Parliament; they
 may very Quickly be Reformed, but not with-
 out the Assent of the Commons and Peers of
 the Realm, which was their Source from the be-
 ginning.

Now I only desire that the word *Concord* may be
 taken notice of, which is the quickest Word that can
 be imagined, and shews that our Parliaments were
 always at Hand; and the whole Passage shews for
 what Wise and Just Reasons they were so.

The next Passage is Chap. 53. Fol. 129. a. “ Ne-
 “ que leges Angliæ frivolæ & infructuosas permit-
 “ tunt inducias. “ Et siquæ in Regno illo dilatio-
 “ nes in Placitis minus accommodæ fuerint usitatæ,
 “ in Omni Parlamento amputari illæ possunt.
 “ etiam & Omnes Leges Aliæ in Regno illo usi-
 “ tatæ, cum in aliquo *Claudicaverint*, in Omni Par-
 “ liamento

" liamento poterunt Reformari. Quo recte con-
 " cludi potest, quod omnes Leges Regni illius Optime
 " sunt in actu vel potentia, quo facilliter in actum duci
 " poterunt & in Essentiam realem. Ad quod fa-
 " ciendum, quoties æquitas id poposcerit, singuli
 " Reges ibidem Sacramento astringuntur, solem-
 " niter præstito tempore receptionis Diadematis
 " sui. Neither do the Laws of *England* allow in
 Law-suits frivolous and fruitless Delays. And if
 in this Kingdom Delays in Pleas which are not to
 the purpose should be used, they may in every
 Parliament be cut off. Yea, and all other Laws
 used in the Realm, when they *Halt* or are De-
 fective in any point, they may in every Parliament
 be set to Rights. Whereupon it may be rightly
 Concluded, that the Laws of *England* are the Best
 in the World, either Actually or Potentially, since
 they can easily be brought into Act or Being. To
 the performance whereof, as often as Equity so re-
 quireth, Every King is bound by an Oath solemn-
 ly taken at the time of receiving his Crown.

Out of this last Passage I will not trouble you
with any more Observations than these;

First, That Parliaments are the Remedy against
Delays in Law Proceedings: But how if Parlia-
ments themselves should be Delayed?

Secondly,

Secondly, That if any or all our Laws should Halt, and our Parliaments at the same time should be Crippled too, and not able to come together; they could not help one another.

In the next and last Chapter of that Book, Fol. 129. b. the Prince immediately replies. "*Princeps.*
 " *Leges illas, nedum bonas sed & optimas esse*
 " *Cancellarie, ex prosecutione tuâ in hoc Dialogo*
 " *certissimè deprehendi. Et siquæ ex illis melio-*
 " *rari deposcant, id Citissimè fieri posse, Parliamen-*
 " *torum ibidem Formulæ nos erudiunt. Quo re-*
 " *aliter, potentialiterve, Regnum illud semper*
 " *præstantissimis Legibus gubernatur. Nec tuas*
 " *in hâc concionatione doctrinas futuris Angliæ*
 " *Regibus inutiles fore Conjicio; dum non de-*
 " *lectent regere legibus quæ non delectant.* Says the Prince, My Lord Chancellor by the Tenour of your Discourse in this Dialogue I am thoroughly satisfied, that the Laws of *England* are not only Good, but the Best in the World. And in case any of the Laws want to be mended or improved, the Rules of the English Parliaments do instruct us, That that may be done forthwith. Whereupon the Realm of *England* is always Governed by the very best Laws, either in Reality or in Possibility. And besides I conjecture that the Doctrines that have been held forth in this Dialogue will be very useful to
 the

the Kings of England that shall come hereafter; since no Body likes to Govern by Laws which they do not like.

After all these Lauds and Praises of the English Laws, which the Chancellor has stuck all over with Stars quite through his Book, and has made their Perfection to Center in this, that they either Are or Soon may be the Best in the World, because in case they labour under any defect, that Fault may be Immediately amended by a wise Senate: What if that wise Senate be no where to be found, or is at no Certainty? It is then impossible to render the Chancellor's Latin into English. For the speedy Perfection of the English Laws which the Prince and he are agreed is *Concord & Citissime*, may be rendred, either at the Four Years end, or the Twelve Years end, or at the World's end. For so I am satisfied it was meant, after a Ten Year's Interval of Parliaments, if the Herb-woman at Edinburgh had not thrown her Cricket-stool at the Arch-Bishop's Head. And so Dr. Heylin I remember does not so much acknowledge that Secret as Justify it. It is in his little Book of Observations upon Hammond's *L'Estrange's* History of the Reign of K. Charles 1. Says Hammond, upon the Dissolution of that wise Parliament in 28. (to whom we owe the Petition of Right) All wise Men concluded that there

there was an end of all Parliaments. Yes, says *Heylin*, so they might well, the King having been troubled with their Impertinencies, and having an Example in *France* before his Eyes, where Parliaments have been so much discontinued, that it is become a Proverb amongst them, *Voyons le Jeu de Trois Estats*, as the strangest Sight which can be seen in an Age. I have not the Book now by me, but I will be answerable for the Substance of this Quotation, having retained this Passage in my Head above these Five and Twenty Years.

I can only touch several other Arguments which might be enlarged upon. The High Court of Parliament is the Dernier Resort in this Kingdom; and if that fail, there may be a failure of the English Justice.

Bracton says of an Ambiguous or Difficult Cause, *Respectuetur ad magnam Curiam*; but unless Parliaments be Frequent, such a Cause is Adjourned to a long Day.

Every Body that understands the English Constitution knows that it is exactly the same as it was laid down in Parliament 3 Ed. 4. by the Lord Chancellor that then was. You have it in Sir *Robert Cotton's* Abridgment of the Rolls in the Tower, p. 682. in these words. "He then declared the three Estates to comprehend the Governance of
 " this

“ this Land, the Preheminence whereof was to
 “ the King as chief, the second to the Lords and
 “ Bishops, and the third to the Commons. Now
 if we are at a loss or uncertainty about our Par-
 liaments, we are at a loss or uncertainty about two
 Thirds of our Government.

But I will say no more upon this Head, intend-
 ing to shew in the following Chapters, how the
 matter of Parliaments stood in former Ages.

CH A P. II.

*Shewing how Parliaments stood in King Al-
 fred's Time, and afterwards.*

I Chuse to begin with this Period of Time in King
 Alfred's Reign, because we have clear Law and
 History to shew how Parliaments stood in his Time,
 and what Law was Ordained concerning them for
 ever.

It is in the Mirror of Justices, which as my Lord
 Coke says in his Preface to his Tenth Reports, was
 written in the Saxon Times, and it appears by the
 Book it self: But several things were added to it
 by a Learned and Wise Lawyer Andrew Horne, who
 lived

lived in the Reign of Ed. 1. and Ed. 2. Antiquity enough for a Book, we desire no more, for we are sure that no Common-wealchs Man had the Penning of it.

The words of the Myrror are these, p. 10. " Pur le estate del Royallme fist l' Roy Alfred assembler les Countees, & ordeigne pur Usage perpetuelle, que a deux foits per l' An ou plus-souvent, pur mestier, en tempts de peace se assembleront a Londres pur Parliamenter sur le guidement del people d' Dieu, coment gents se garderent de peche, biberens en quiet, & rechererent droit per certaine usages & sains judgements. Por cel estate se firent plusieurs ordinaances per plusieurs Roies jesque al ore Roy. Les quells Ordinaances sont disules per meins sages, & pur default que leus ne sont mys en escript & publies en Certaine. For the Good Estate of the Realm, King Alfred caused the Counties to Assemble, and Ordained it for a Perpetual Usage, that at Two Times yearly, or oftner if need were, in Time of Peace, they should Assemble at London, to sit in Parliament, for the Guidance of God's People, how the Nation should keep themselves from Sin, live in Quiet,

C

and

and receive Right by certain Usages and holy Judgments. By this Estate were made many Ordinances by several Kings down to the King that is now; (which says the Margin was *Edward the First*): which Ordinances are disused by some that are not so wise, and for want that they are not put into Writing and published in Certain.

In this Passage the Two Times a Year seem to be Stationary; the Calling a Parliament Oftner than Two Times a Year *if need were*, is plainly intended for Contingencies of State, and when the *Ardus Regni*, or Extraordinary Affairs of the Nation require an Extraordinary Parliament. I say, and will make out to all the World, by Laws and Declarations of Parliament, that the King has a Power of calling Parliaments within the Law; But I never did, nor never will say to the end of my Life, that the King can hinder Parliaments Appointed by Law. These Frequent Parliaments were to meet at *London* in Time of Peace. We see then what has interrupted our Parliaments both as to Time and Place. For *London* was after in the hands of the Dane, and Foreigners Wars and Tribulations came on.

But the best way is to let an Author explain himself, which the *Mirror* does in telling us likewise the Abusions of the Law, or the Contrarieties and Repugnancies to Right, or as he calls it, the
 Fraud

Fraud and Force which is put upon Law. This way of writing Law is the best that can be invented, for it is the way of Preaching by Positive and Negative, which is a two-edged Sword, and cuts both ways. And the Truth of it is, the Negative part of the Law, which lies in a little Compass, oftentimes teaches us a world of the Positive. For instance the 33 Articles in the Roll, 1 H. 4. m. 20. which K. Richard the 2d. solemnly acknowledged of his own Male-administration, do give us more light into the Constitution, than a Book of six times the bigness could do.

But to come to the Abusions of Law which are in the *Mirror*, p. 281. He says, that the First and Sovereign Abusion is for the King to be beyond the Law, whereas he ought to be subject to it, as is contained in his Oath: Though the second is my Business, which is in these words. 1. "Abusion

" est, que ou les Parlements se duissent
 " faire pur le salvation des Almes de tref-
 " passours, & ceo a Londres & deux foits per
 " An, la ne se font ils forsque rarement, &
 " a la Volunt le Roy pur aides & cuilets de
 " tresore. Et ou les Ordinances duissent
 " faire al Common assent del Roy & de ses
 " Counties la le se font ore per le Roy & ses
 " Clerks; & per aliens & autres que no-
 " sent

"tent contrabener le Roy; eims delivent de
 "luy plater; & de luy Counseller a son pro-
 "fit, tout ne soit my le Conseil Covenable
 "al Commons del people, sans appelles
 "les Countes, & sans ensuer les Rules de
 "droit, & dount plusieurs Ordinancez se
 "foundent oiz plus sur Uolunt, que sur
 "Droit. The second Abolition of the Law is;
 that whereas Parliaments ought to Conuene for the
 Salvation of the Soules of Trespassors, and this at
 London, and Two Times in the Year, now a days
 they meet but seldom, and at the Will of the King
 for Aids and Gatherings of Treasure: And whereas
 Ordinancez ought to be made by the Common As-
 sent of the King and his Countes, now they are
 made by the King and his Clerks, and by Aliens
 and others that dare not Contradict the King, but
 desire to Please him, and to Counsel him for his
 own Profit, though it be not Counsel which is
 Conuenient for the Commons of the People;
 without applying to the Countes, and without fol-
 lowing the Rules of Right; Whereupon there are
 several of the present Ordinancez that are rather
 founded upon Will, than upon Right.

From this Passage I shall only observe, that the
 Place of a Parliament's meeting is Fixed, and still at
 London; And that the Two Times a Year was stand-

ing

ing Law down to King Edward the First, though
 Abusions and Courts Practices had broken in upon
 the Law, as it is said in the History of the Kings of
 England. Now let us see how the Law stood afterwards;
 wherein I can only consult the Books I have by me,
 for I have not Health enough to go and Transcribe
 the Records in the Tower, but take them upon Con-
 sent as they lie in Sir Robert Cotton's Abridgment of
 the Records in the Tower. And there in the very
 first Page, 5 Ed. 2. it is Ordained, "*Que Parlia-
 ment ferra totius anni duobus fois per annum*" That a
 Parliament shall be held one Time or Two Times
 a Year. Here you see the Twice a Year is dwindle
 into Once or Twice.

The next is p. 93. of the same Book, 36 Ed. 3.
 "The Prince touching the Yearly holding of a Par-
 liament, cap. 1. agrees with the Record." Now the Print is, "*Item, for Maintenance of the
 said Articles and Statutes, and Redress of divers
 Mischiefs which Daily happen, a Parliament
 shall be holden every Year, as another time was
 Ordained by Statute*" Now that Statute, as I find by the Same Book,
 for I cannot find it in Sir Robert Cotton, is thus.
 2 Ed. 3. cap. 1. "*Item, it is recorded, that a Par-
 liament shall be holden every Year, Once and
 more Often if need be.*"

By

By the Reason given in the 36 *Ed. 3. cap. 10.* just now recited for a Yearly Parliament, one would think it should be a Daily Parliament; because it is for the Maintenance of former Statutes, and Redress of divers Mischiefs which Daily happen: But I believe that a Parliament which Sits but Forty Days in the Year are able to do that Work; Concerning which we will enquire further afterwards.

In the 50 *Ed. 3. p. 138.* The Parliament's Demand or Petition is this, "That a Parliament may be holden every Year; the Knights of the Parliament may be chosen by the whole Counties; and that the Sheriff may likewise be without brokage in Court."

The King's Answer is this. "To the Parliament, there are Statutes made therefore; To the Sheriffs there is answer made; To the Knights it is agreed, that they shall be chosen by common Consent of every County."

After these Three Laws in *Ed. 3d's* Time, we come to the First of King Richard the Second, p. 163. where the Petition or Demand for a Yearly Parliament is this. "That a Parliament may be Yearly holden in convenient place, to redress Delays in Suits, and to end such Cases as the Judges doubt of."

The

The King's Answer is. "It shall be as it hath
"been used.

In the 2 R. 2. p. 173. By the King's Com-
mandment one Cause of opening the Parliament is
Declared to be this. "Secondly, for that it
"was enacted that a Parliament should Yearly be
"holden.

Nay, if the Court insist upon a Yearly Parlia-
ment, the Country may and ought.

Thus stood the Law of *England* till the 16 Ca-
rols 1. when that King having discontinued Par-
liaments for Twelve Years, and created a Distrust
of him in the Breasts of his People which was
Just; (for if a Prince spoil the Government for
Twelve Years together, who shall Trust him in the
Thirteenth?) The Nation found a Necessity of
having a Cautionary Parliament every Third Year,
to secure their Annual Parliaments for the Two
Years immediately foregoing. This is the true
Reason of the Act for a Triennial Parliament,
which was a perfect Innovation both Name and
Thing. For I challenge any Antiquary, Lawyer,
or Person whatsoever that has turned over Books,
to shew me the word Triennial joined to the
word Parliament, from the Foundation of this
Government till the Year 1640. A Triennial Par-
liament therefore is so far from being the Constitu-

tion.

tion of this Government, that if it were so, a great number of our present Lords and Commons are Older than the Constitution, and were Born before it. But as I said before, that Act was only a Cautionary Act, as a Town or Gate of a City is taken in Caution, for performance of Articles. This appears by the first thing which is Enacted in that Law, namely, *That the Laws for a Parliament to be holden at least once a Year, shall hereafter be duly Kept and Observed.* Scobell's Coll. 16 Car. 1. Cap. 1. *Capitulum primum* given you now. This Act was Gently drawn up, and had more of a Prospect than a Retrospect, and does not look back into those Oppressions which King Charles himself in his large Declaration of August the 11th does acknowledge were Insupportable, which were wholly owing to this long Intermission of Parliaments: but it wisely provides, that in case the two first Years Parliaments should fail, then came a Peremptory Parliament, which the King and Keeper might call if they pleased; but if they did not, the Counties and Burroughs of England were forced to send. It is an Act that executes it self, like our Act for Burying in Woollen; and he that will see the Wisdom of it, may read it where I have quoted it.

After

After this comes the Act 16 Car. 2. cap. 1. and
 repeals this Triennial Act, because say they, "It
 is in Derogation of his Majesty's just Rights
 and Privilege, inherent to the Imperial Crown
 of this Realm for the Calling and Assembling
 of Parliaments; whereupon the Triennial Act is
 Annulled as if it had never been made,

I wish it had never been made. But we will
 stop there first. It is annulled as if it had never
 been made: There is nothing lost by that; for
 then our Parliaments are where they were, which
 was Due Annual.

Well now let us see what Alteration is made by
 this New Act, 16 Car. 2. which follows in these
 words, Sect. 3. "And because by the Ancient
 Laws and Statutes of this Realm, made in the
 Reign of K. Edward the 3^d, Parliaments are to ^{4 E. 3.}
 be held very often, (that is once or twice a Year) ^{c. 14.}
 Therefore they shall not be Discontinued above ^{36 E. 3.}
 Three Years at the most. I do not use to Admire
 Consequences which I do not understand. But
 under favour, I would be taken right. I say, that
 the Recital of the Ancient Laws of this Realm
 does not Repeal them, Disannul them, *anneantir*,
 any thing, nothing; when there is not one Re-
 pealing Word concerning them in that Statute.

I knew what I said when I wished the Triennial Bill of Forty had never been made; and it must be remembered that that Act is as if it had never been made; For it gave occasion to some Men that came in with the Deluge of the Restauration, when it rained Cavaliers, (though I value all Mens Rights more than my own, and Princes most because they are biggest) and it prompted them to think of turning a Cautionary Triennial; into a Discretionary. But God be thanked they wanted Words to express themselves; and if they meant it, they have not done it.

But so as they did put the Act together, and as it now stands, there are several things in it worth observing. *1st*, That if there be occasion there shall be more and oftner Parliaments, than once in Three Years. Now I ask for whose sake was that Clause Enacted? Not for the King's, for he was always enabled by his Prerogative, for the sake of the *Ardus Regni*, to call a Parliament every Month in the Year: Well then it was for the sake of his People, that if they judged there was Occasion for more or oftner Parliaments, they might ask for them. For I appeal to Common Sense, whether it be not Ridiculous, and wonderfully beneath the Dignity of a Parliament, when a Prince was bound by his Coronation Oath to Call a Parliament Once a Year,

or

or oftner if need were, (for so the Law stood, and so this Prince was at that time Bound) to Interpret a Law after such a manner, as to say he was Enabled to call a Parliament Oftner than once in Three Years.

So much for that Point ; the next is this. The The Upshot of this Act of Parliament, and the Conclusion of the whole Act is in these words. " To the end, there may be a frequent Calling, " Assembling, and Holding of Parliaments once " in Three Years at the least. I do say, that if ever we came to Low-water Mark in our Laws about Parliaments, and if ever they run Dregs, it was in the Time of *Charles* the 2d. And yet it was enacted, and was the End of that Law, that One should be Called, Once in Three Years at the least. Now I leave it to the Lawyers to tell, whether a Proclamation can call a Parliament, or any thing else besides a Writ of Summons and a Writ for Elections.

And thus have I run through the Law of Parliaments till to other Day, and considered what is the Law at present. From King *Afred's* Time down to *Edward* the First, it seems to have been the standing Law to have Parliaments Twice a Year. I know that the Invasions of several Nations both Danes and Normans, and the Revolutions and

Disturbances of State which happened, must needs
 cause frequent Interruptions in the practice of it.
 But my reason to be of that Opinion is this, be-
 cause *Horne* who lived in those Times, says, That
 Parliaments at that Time ought to meet twice a
 Year, and that at *London*, and that the Intermit-
 ting of Parliaments was the Greatest Abusion of
 the Law but one. * Though I think I have still a
 Greater Authority than *Horn's*, (if any thing in
 this World can be bigger than that of an Able and
 Honest Man); But it is a King in his Letter to
 the Pope. It is in the Clause Rolls *Anno 3. Ed. 1.*
m. 9. Cedula. and is to be seen in *Pryme's* large Book
p. 158. I will quote no more of it than is for my
 purpose. It is concerning the Yearly Tribute of a
 Thousand Marks which the Popes from *K. John's*
 Time claimed, and there were several Years Due.
 The Pope's Nuncio solicites the Matter, but the
 King excuses himself that he had come to no Re-
 solution in his *Easter-Parliament*, but by Common
 Advice he would give him an Answer in his *Michaelmas*-
Parliament next following. At present I
 only mind the wording and way of expressing these
 two Parliaments. Concerning the First he says,
 " *In Parlamento quod circa Octavas*
 " *Resurrectionis Dominice celebrari in*
 " *Angliā Consuevit.* In a Parliament that
 Used

Used to be held in *England* about the Octaves of *Easter*. That word *Consuevit* amounts to Custom and Usage, and seems to express a Parliament *de More*. He says, That the Parliament *was in Octabis*, and by Occasion of his Sickness, (after they had made several good Laws and redressed many Grievances, but not all that lay before them) for the Reason aforesaid, That Parliament was Dissolved, and the King could not treat with them about the Pope's Petition of Tribute. But he promises to do the Pope Reason in his *Michaelmas*-Parliament which he intended.

Now let us see how that is express'd; "*Pro*
 " *firmiter scituri, pie Pater et Domine,*
 " *quod in alio Parlamento nostro quod ad*
 " *festum Sancti Michaelis prox. futur. in-*
 " *tendimus, dante Domino, celebrare, ha-*
 " *bito et communicato consilio cum Prela-*
 " *tis et Proceribus memoratis, vobis su-*
 " *per premissis, ipsorum consilio dabimus*
 " *responsionem.* Know for certain, Pious Fa-
 ther and Lord, That in another Parliament of
 Ours which we intend to hold at *Michaelmas* next
 ensuing, with God's leave; We and the Prelats
 and Peers aforesaid consulting together, accord-
 ing to their Advice will give you an Answer upon
 the Premisses.

But

But I will say no more upon this Head, being intent upon another.

C H A P. III.

Shewing, That the Yearly Parliaments were Fresh and Fresh.

THERE are several ways of proving that there was a New Election every Year. They tell me there are Writs extant for New Elections for Fourscore Years Successively, where there are but about Six wanting. What if they had been all lost, imbezelled or made away? What then, is our Constitution lost, when Bundles of Writs are lost? No, I will go no farther than this last Letter to shew that there is a great Appearance that while there were Two Parliaments in a Year, the Second must be new Called. Though I hate the word New applied to a Parliament; for a Parliament is a Parliament, and our Ancestors would no more have dream'd of a Stale or Old Parliament, than of an Old Moon cut out into Stars. I will cite the words of King *Edward's* Letter, dated the 19th of *June* in the third of his Reign, and

and when that's done, let the Reader make his own Judgment upon them.

It was in the Interval betwixt his *Easter* and his *Michaelmas*-Parliament. " *Set antequam eidem*
 " *Parlamento propter negotiorum multi-*
 " *tudinem quæ reformationis remedio indi-*
 " *gebant finem imponere valeremus, eodem*
 " *Capellano vestro responsionem debitam*
 " *sibi fieri instantèr postulante, quædam*
 " *gravis nos invasit, sicut Domino pla-*
 " *cuit, infirmitas Corporalis, quæ perfe-*
 " *ctionem multorum aliorum negotiorum,*
 " *& deliberationem petitionis Censûs an-*
 " *ni supradicti, de quo dolemus non mo-*
 " *dicum, impedivit; sicque cum occasione*
 " *infirmitatis hujusmodi, a qua per Dei*
 " *gratiam, cûsus est perire & mederi,*
 " *incepinus convalescere, idem Parlamen-*
 " *tum fuerit dissolutum, & super hoc ne-*
 " *quiverimus super petitione Censûs ejus-*
 " *dem deliberationem habere cum Prelatis*
 " *& Proceribus antedictis.* To this Sense.
 But before we could put an end to that Parliament,
 because of the Multitude of Grievances which lay
 before them, your Nuncio in the mean time dili-
 gently Solliciting your Business, a great Distemper
 as it pleased God besel me, which hindered the
 finishing

finishing of many other Matters, and treating about the Petition of the Yearly Tribute, which is a great Grief to me; and so by reason of my said Illness, (from which by the Grace of God, in whose Hands are the Issues of Life and Death, I begin to Recover) That Parliament was Dissolved, and hereupon I could not Treat with the Prelates and Peers aforesaid about this Tribute.

From this long Quotation I shall only make this Observation at present, That in this Parliament begun in the Octaves of *Easter* (perhaps upon *May-Day*) there was a great deal of Business done, and a great deal of Business left undone; amongst the rest the Pope's, because of the King's Sickness, who thereupon could not give Answers to Bills or Petitions; and that the Nuncio's Petition was Unanswered, went to the King's Heart. But upon Occasion of that Sickness it was that the Parliament was Dissolved, and the Pope's Business hindred, to the King's great Regret. What, could not the King keep this Parliament alive till the Nineteenth of *June*, when he himself began to be well again, which is the Date of the Letter? It is no more than Fifty Days from their first sitting down to the Date of his Letter, and yet though he set his Heart upon the Business that lay before that Parliament, it was Dissolved; and to stop that

that Gap he promises to call Another Parliament at *Michaelmas*. Then it seems they did not understand the Method of Protogations, and it is unknown to me by what Law it came in. If there be such a Law, I never minded it, for I am speaking of the Constitution, and not of Innovations.

But I believe the true Reason of the Abrupt Dissolution of that Summer Parliament in Conjunction with the King's Sickness, was this, That if they had been held till *Michaelmas*, though there was then to be Another Parliament, it must have been at the King's Charge. For I am of Opinion by what I have seen even as low as *Richard the 1st's* Time, that the Sitting of a Parliament was usually Forty Days; and that the Quatrain was not duly kept in this Parliament 3 Ed. 1. of the Octaves of *Easter*. But there was a Concern in holding a Parliament above Forty Days above the Knights and Burgesses Wages. As appears by that Memorable Record which is in *Knyhton* p. 268. being the Message sent by both Houses to K. *Richard* and *Elham*. The words are these: "Dicunt etiam quod habent ex antiquo Statuto quod si Rex a Parlamento suo se alienaverit sui sponte, non aliqua infirmitate et aliquo alio de causa necesse sit eis subire perlinmodum et voluntatem pro-

" terve se subtraxerit per absentiam temporis 40.
 " dierum tanquam de vexatione populi sui & gra-
 " vibus **Expensis** eorum non Curans, ex-
 " tunc licitum omnibus & singulis eorum absq;
 " domigerio Regis redire ad propria & unicuiq;
 " eorum in patriam suam remeare. In short,
 they say they have an Ancient Statute for it, that
 in case the King wilfully absent himself and will
 not come to Parliament, As having no Care of
 vexing his People, nor *Regard of their Great Ex-*
penders, after Forty Days, they are Free to go Home,
 and the King has no Wrong done him.

Now what is the meaning of these Forty Days,
 but that they had waited a Just Session? And how
 should the Parliament-Mens Wages be otherwise
 adjusted, when at the end of every Parliament in
 those Times they were dismissed, with desiring them
 to sue out their Writs for their Wages? And I leave
 it to the Antiquaries, because I am not now able
 to Travel in that Point, to consider how the sever-
 al Proportions of Land which are allotted for the
 Knights and Burgesses in several Counties for their
 Wages, can be adjusted, without a Certainty of
 the Length of their Sessions.

But not a word of this is my present Business,
 which was to shew that Parliaments by the Consti-
 tution are not to be Stale; as I have seen one in
 my

my Time retained about Nineteen Years with Petitions, and another for fewer Years with Places and turning out of Places: But if a Parliament were corrupted neither of these ways, yet a standing Parliament will always Stagnate, and be like a Country-pond which is over-grown with Ducks-meat. The worst King one of them that ever the Nation had, was so limited by the Constitution, that he did not know how to compass a long Parliament, and therefore he was fain to take other indirect Ways to gain the same Point as if he had one. It was Rich. the 2d. who in the Articles alleged against him, and confessed by him, lets us know it was by influencing Elections and false Returns. The words as they stand in the Rolls 1 H. 4. m. 20. are these.

“19. *Item*, Licet de Statuto, & consuetudine Regni sui in Convocatione cujuslibet Parliamenti populus suus in singulis comitatibus regni debeat esse liber ad Eligendum & deputandum milites pro hujusmodi comitatibus ad interessendum Parlamento, & ad exponendum eorum gravamina, & ad prosequendum pro remediis superinde prout eis videretur expedire, tamen prefatus Rex ut in Parliamentis suis liberior consequi valeat sue temerarie Voluntatis effectum, direxit mandata sua frequentius Vice-

" mitibus suis, ut certas personas per ipsum Regem
 " nominatas ut milites comitatum venire faciant
 " ad Parliamenta sua, quos quidem milites eidem
 " Regi faventes inducere poterat, prout frequen-
 " tius fecit, quandoq; per minas varias, & terro-
 " res, & quandoque per munera ad consentiendum
 " illis quæ regno fuerant præjudicialia, & populo
 " quamplurimum onerosa; & specialiter ad con-
 " cedendum eidem Regi subsidium lanarum ad
 " terminum vitæ suæ, & aliud subsidium ad certos
 " annos, suum populum nimium opprimendo.

19. *Item*, Although by Statute, and the Cu-
 stom of his Realm in the Calling of Every Par-
 liament in every the Countie of *England*, his Peo-
 ple ought to be free to Choose and depute Knights
 for the said Countie to be present in Parliament,
 and to lay open their Grievances, and to prosecute
 for Remedies thereupon as they think fit, notwith-
 standing the said King that in his Parliaments he
 might obtain his Will which was Rash, often di-
 rected his Mandates to his Sheriffs, that they should
 Return certain Persons nominated by the King
 himself as Knights of the Shires, which Knights
 indeed he could make Plyable to him, and as he
 very often did, sometimes by various Threats and
 Terrors, and sometimes by Gifts, to Consent to
 those Things which were Prejudicial to the Realm,

and

and extremely Burthenſom to the People; and particularly to grant the ſame King the Subſidy of Wool during his Life, and another Subſidy for certain Years, thereby too much Oppreſſing his People. Now if he could have made Long Parliaments, he need not have made uſe of theſe mean Shifts. But he could make uſe of no other way, becauſe Parliaments, as I ſaid, were Freſh and Freſh, and Antiquity knew no other. And if any Man can make out of this Authentick Record, that it was any otherwiſe, Than ſo many Parliaments ſo many Elections, then I have done with Writing and Reading.

C H A P. IV.

Of the Kalends of May.

AT laſt I am come to ſearch after the Head of Nile, and the true old Land-mark of the Engliſh Conſtitution. How Parliaments ſtood in the Britiſh times I am not ſo certain; but that there were Parliaments then, I am certain. I have it from the wiſe *Gildas*, that *Vortigern* and his fooliſh *Thayies* ſent to the Saxons for help againſt the Picts

and Scots, and took into their Bosoms a Warlike and Pierce Nation, whom at a distance they were afraid of. And they indeed of Course beat those that infested Severus's Wall, but they made mine Hosts that invited them in, Hewers of Wood and Drawers of Water. And those of the Britains that opposed them, the Saxons drove out of their Countrey, whereby as *Gildas* says all their Records were lost. But out of that Venerable Author we plainly see, that the Lamentable Letter which was sent the Year before to the Senate of Rome, was Written by a British Parliament. For whose sake I beg of all Nations not to let in Legions of Foreign Nations to be their Masters, for when they want them and their Protection most, they shall go without it. For when the Roman Legions were withdrawn out of Britany, (which caused our Enemies to make an Insult) and the British Parliament begg'd hard to have them return, the Roman Senate's Answer was, that they were otherwise engaged; and they must help themselves as they could, which made them betake themselves to the Saxons. A very fair Answer to a Nation that was disabled and disarmed, after their Kings and Parliaments had been only Tax-gatherers to the Romans for several Hundreds of Years; as if you have no True Lord Mayor, you must still have Pageants,

Pageants, and somewhat that keeps up the Shew.

But after these Early Times, we have somewhat in King *Edward* the Confessor's Laws, which all succeeding Kings have been Sworn to, which I will try what to make of. It is an Yearly *Folk-mote* upon the Kalends of May. I do not know readily what that Yearly *Folk-mote* is, because those Laws of *Edward* the Confessor say that King *Arthur* invented it; *Quod Arthurus Rex inclitus Britanum invenit*. Then I am sure the Original Name of it was not *Folk-mote*. Then we will mind the Name no more, but come to the Thing.

Sir *Henry Spelman* in the Learnedest Glossary that ever was Writ, I will not except Mr. *Somner's*, says thus under the word *Gemotum*. "*Wittenagemot idem apud Anglosaxones quod apud nos hodie Parliamentum, parumque a Folcmote differebat, nisi quod Hoc Annum esset & e centis plerumque Causis, illud ex Arduis Contingentibus & Legum condendarum gratia, ad arbitrium Principis indictum.*" A *Wittenagemot* was the same thing amongst the English Saxons, as now at this Day a Parliament is amongst us; and a *Wittenagemote* differed little from a *Folk-mote*, only that this last was Annual, and chiefly sat about the standing Affairs of the Nation: The other was called at the King's Pleasure.

sure upon Emergencies of State and for the sake of making Laws.

Now let us see what the Learned Antiquary says concerning *Folknotes* by themselves in the same place, p. 315. "In Folcmoto semel quotannis sub initio Kalendarum Maii (tanquam in annuo Parlamento) convenere Regni Principes, tam Episcopi quam Magistratus Liberiq; homines. Jurantur Laici omnes coram Episcopis in mutuum fedus, in fidelitatem Regis, & in Jura Regni Conservanda. Consultitur de Communi Salute, de Pace, de Bello, & de Utilitate publicâ Promovendâ. In a *Folknote* Once every Year at the beginning of the Kalends of May (as in an Yearly Parliament) there Met together the Princes of the Realm, as well Bishops as Magistrates, and the Freeman. All the Laymen are sworn in the Presence of the Bishops into a Mutual Covenant with one another, into their Fealty to the King, and to Preserve the Rights of the Kingdom. They Consult of the Common Safety, of Peace, of War, and of Promoting the Publick Profit.

It follows in the next words, "Adhibetur præterea Folcmotum in repentino omni discrimine, exigente etiam neessitate, sub Aldermanno (hoc est Comite) cujuslibet Comitatus. Besides a

Folknote

Folknote is used in every suddain Danger, and likewise if Necessity require it, under the Alderman (that is the Earl) of every County.

This last is plainly a Provincial *Folknote* in time of Necessity; but the former part of the Sentence seems to intimate, that upon a Surprise when the King had not time to call a Parliament, the last *Folknote* met; as the last *Westminster* Parliament did, to give the Prince of Orange the Administration, before it was possible to have a Parliament Elected.

Though the former Description of the General and not the Provincial *Folknote* is our present Business. And at the first sight it looks like a Full Parliament, for it consists of the Princes, as well Bishops as Magistrates, and the Freemen; that is to say, the Chiefs of the whole Nation. And they are employed in Parliament-work, for they Consult of the Common Safety, of Peace, of War, and promoting the Publick Profit. And did not the General Title of our Laws every Session run thus, To the High Honour of God, and to the Profit of the Commonwealth? If ever there were Wites in Parliament, sure it was Princes, as well Bishops as Magistrates, and the Freemen. Why then does this Learned Knight distinguish betwixt a *Wittenagemote* and a *Folknote*, seeing they were both made up of Wites? I am governed

veried by Things and not by Words, and am
 thoroughly satisfied that an Assembly which does
 Parliament-Business is a Parliament. And no
 doubt the *Folk-mote* made Laws, for it is not to
 be supposed that an Assembly of the whole Na-
 tion should sit Consulting Forty Days of Peace
 and War, of Armies and Fleets, (which in those
 Days were Three Thousand Ships, and were able
 to make out the Dominion of the Seas); of the
 Grievances of the Nation, and the Redress of
 those Grievances; and of Providing for the Com-
 mon Profit of the Realm; and after all not to be
 able to enact their own Conclusions. That is just
 as if our present Parliament should spend Forty
 Days in finding out Ways and Means for the raising
 Money, and afterwards were not able to put them
 into a Law. Or as we Private Men use to Consult
 and Debate, and Settle the Nation over a Dish of
 Coffee, without being able to oblige one single
 Man to our Orders.

The Thing which misled this Great Antiquary
 (as I conjecture) to make this Mark of Difference
 betwixt a *Folk-mote* and a *Wittenagemote*, as if a *Witte-*
nagemote made Laws and a *Folk-mote* not, is this;
 That when the Saxon Kings issued out their Laws,
 they said they had passed in their *Wittenagemote*, *Con-*
cilio Sapientum, or Council of Wise Men: And it

was proper for the King to call his *Folk-mote* by that Name, though not for them themselves. As for Instance, the Writs of Election at this Day call for some of the *Discretetest* to be chosen to Parliament, though the Members do not assume that Title: And I know so much of the Old English Genius, that they would no more have called themselves a *Wittenagemote*, than this present Parliament would call their Votes which come out Day by Day, *Journal de Sejour*.

But I will wave Conjectures even in Antiquities, (though we are there oftentimes forced to go in the Dark, to tread upon Ruins, and to feel out our Way;) because I have direct Proof, that the *Folk-mote* made all the Laws we ever had. And for this I will go no farther than to the third Branch of the Usual and Accustomed Coronation Oath taken by the former Kings of England, and taken twice by Richard the Second, 1 Hen. 4. Membr. 30. inter Decem Scriptores, p. 2746. in these words, spoken to the King by way of Question, "Concedis justas Leges & Consuetudines esse tenendas; & promittis per te esse protegendas & ad honorem Dei corroborandas quas Vulgus elegerit secundum vires suas? Respondetur, Concedo & promitto. Do you grant that the just Laws and Customs which are of the Folks Chusing shall

be.

be kept, and do you promise that they shall be Protected, and to the Honour of God receive Affirmance by you, to the utmost of your Power? *The King shall Answer, I Grant and Promise.*

Now I would fain know, How a *Folkmore* can be otherwise expressed in Latin than by the Word *Vulgus*, which is a Collective Word: Or how the *Vulgus* or Folk could chuse Laws any otherwise than in a *Folkmore*?

I will not enter into the stiff Dispute which exercised King *Charles* the First and his Parliament for a long time, whether the word was *Præter Tense* or *Future*, and whether the Word was best rendred in the French Translations, the Laws which the Folk *auront esleu*, shall have chosen, or which the Folk *eslieront* shall hereafter Chuse; whereupon they said that he was bound to Sign and Affirm all the Laws they should hereafter present to him, and that he could not make use of a Negative without Perjury. I say that that whole Dispute was not worth a Farthing. For if the Folk Chose the Laws all along down to King *Richard* the Second's Time, and the Kings were sworn to Affirm them, then we know how the Laws antiently were made; And who cares whether *Eslieront* or Choosing for the future be the Sense of the Word or no? For if the Folks Choosing was the Constitution in K. *Richard* the

the Second's Time, then I would fain know in what King's Reign it was afterwards that the Constitution was altered.

In short, the Folk Chose the Laws; and I believe the English *Folknote* and *Wittenagemote* will be found to be old *Homer's River*, *Enn W* *law* *I* *to*

Which the Gods call *Xanthus*, but mortal Men call *Scamander*. Now though *Scamander* be the homelier Name, yet it is the same River.

I cannot but say there was some Difference betwixt the *Folknote* upon the Kalends of May, and the *Folknotes* which the King always called for his *Ardus Contingentia* or Contingencies of State: But the Difference lay only in this, that the *Folknote* of the Kalends of May was a Parliament *de more*, and of Course, who Assembled themselves, *sub initio Kalendarum Maii*, says *Spelman*, and were bound to do so, in *Capite Kal. Maii*, say the Laws of *Edward the Confessor*, *cap. 35. de Greve*; (and out of that Chapter has *Sir H. Spelman* extracted his true Account of a General *Folknote*, which was Anniversary;) whereas a *Wittenagemote* or Extraordinary Parliament or *Folknote* was Summoned at the King's Pleasure, and was ever at his Call both for Time and Place. Other Difference I can find none. For as for the Constituent Parts of a *Folknote*, if the Princes of the

Realm, as well Bishops as Magistrates, and the Free-
 men, cannot denominate a *Wittenagemote*, I know not
 where the King will find his Wives, or Wise-men.
 I have spoke to that Point already. I have like-
 wise spoken to the Point of the *Folknotes* making
 of Laws. We find indeed the Saxon Kings in the
 Preface of their Laws which were made in Extra-
 ordinary Parliaments, Decreeing with their Wives,
 (*mid minan Witenan*) some at *Greatanlaga*,
 and at *Midwinter* afterwards at *Eaxcester*, as King
Athelstan; some at *Lundenbyrig* at the Holy
 Easterly Tide, as King *Edmund*; others at *Wode-*
stock in *Mercialand*, and others at *Winchester*. Where-
 by it appears that the Kings of England had a Power
 to Summon Parliaments when and where their
 Weighty Affairs required them, in all Places of the
 Realm, and at all Seasons of the Year. This is
 an undoubted Prerogative lodged in the King for
 the sake of the *Ardua Contingentia*; and no Man
 would Govern a Kingdom that could not Com-
 mand the Advice and Assistance of his Subjects to
 be forthcoming, when the Occasions of the King-
 dom required it. And for the sake of these *Ardua*
Negotia, the Knights, Citizens and Burgeesses are to
 be Impowered to Act in Parliament-Business by
 those that sent them; lest for want of that full and
 sufficient Power, or by means of an Improvident
 Election,

Election, these Arduous and Weighty Affairs of the Kingdom should in any wise remain *Infesta*, or be left Undone. This is contained in the present Writ of Elections directed to every Sheriff of a County at every Election of Parliament men.

But that is not my present Business, for I am in a further Search after the Annual or rather the Anniversary *Folkmore*.

CHAP. V.

Concerning the First Founder of the Yearly Folkmore of the Kalends of May.

BEfore I proceed any further I must clear one Point. And that is, that we find the Author and Founder of our Yearly *Folkmore* mentioned in the Laws of *Edward the Confessor*, (which were Recited and Confirmed by *K. William the First*) under the Title *De Greve*, Chap. 35. which may possibly leave a Suspicion that this Yearly *Folkmore* of the Kalends of *May* was a *Greve's Court*. Now what Court should this be, belonging to a *Greve*, or any Count or Viscount, or President whatsoever, for *Greve* is an Ambiguous Word? It is not

a Burghmote, for that is Three times a Year by the Saxon Laws. It is not a County Court, for that by *Edward the Senior's* Laws, No hall was in these words. *Je deulle that old Beret*
 “ *habbe Gemot a ymb feowen wuean.*
 I will that each Greve have a Gemot at about Four Weeks. So that there were Twelve in the Year. It was not the Sheriffs Turn, or le *Turne del Uicount*, for that was twice a Year; tiva *Scitgeniot on ger*, by the Laws of King *Edgar*, cap. 5. it is not the Gemot for the View of Weapons or Arms, which every Freeman in England was charged with, and was bound to shew once every Year, and, as was wisely contrived, all in one Day throughout all England; but that Day was not in our Kalends of May, but the Morrow after Candlemas, *Crastino Purificationis B. M.* And therefore I cannot for my Life make any thing else of an Universal Anniversary Full *Folknote*, which is but *semel in Anno, scilicet in capite Kal. Maii*, but a Stationary Parliament: Especially considering who they were and what they did.

The next thing to be considered is the Author or Founder of this Ancient Constitution, which we have in the aforesaid Chap. *De Greve*, Num. 35. amongst the Laws of Good King *Edward*. “*Hanc*
 “ *Legem Invenit Arthurus, qui quondam fuit*
 “ In-

"Inclutissimus Rex Brytonia, & illa consolidavit,
 " & confederavit Trigonum Britannia universam
 " semper in unum. This Law of the Anniver-
 " sary Fellowship Arthur Invented, who was heretofore
 the most Renowned King of the Brytons, and there-
 by he consolidated, and confederated together
 the whole Realm of Britany, for ever as One
 Man. 7 and yett olding it in himself, aboyle it right

It is good to Honour the Founders of All Useful
 Constitutions; and I believe that K. Arthur was the
 Invention of this as to this Realm; because these
 Laws of K. Edward say so. And so was, Cadmus the
 Invention of Letters in Greece, though we can trace
 them out of Phoenicia; and the Letters speak for
 themselves. For if it be Aleph, Beth, Gamel, Daltch
 in one Place, and in the same Order it is Alpha, Be-
 ta, Gamma, Delta in the other Place, then we are
 sure there has been an Understanding and Com-
 munication. For it is impossible to be otherwise
 when the Alphabets are settled on both Sides, by
 being their Numeral Letters; as it was plainly in
 King David's Time by the Octonaries of the 119th
 Psalm, as it stands in the middle of the Bible; and
 as it was in Homer's Time in Greece; or else the Old
 Scholiasts have deceived me, who say that Ho-
 mer purposely couched the Number of all his
 Books in the first Word of his *Iliads* and *Odyssey*.

Which Numerals stand for 48. The Greeks likewise taught the Welch to tell Twenty, and I believe they taught the Romans too. Now by the same Rule, if there was a very Ancient *Folk-mote* in the Neighbouring Kingdom of France upon every Kalends of May, then perhaps King *Arthur* borrowed from them; and it is good to look upon their Kalends, because it is possible they may give Light to Ours.

The French Kalends of May lie thus in *Radulphus de Diceto*, a Famous Dean of *Paul's* in King *John's* time, whose History was thought so Authentick, that the English Parliament, in *Edward the First's* time, Relied upon his Testimony, amongst some others, in no less a Point than the Claim of the King of *England*, to the Supream Dominion of the Realm of *Scotland*. As to our present business he has these Words, *Abbreuiat. Chronicorum*, pag. 439.

An. Dom.
662.

“ *Abhinc Francorum Regibus à solita fortitudine*
 “ *& scientia degenerantibus, regni potentia dis-*
 “ *ponebatur per Majores domus, Regibus solo no-*
 “ *mine regnantibus; Quibus moris erat principa-*
 “ *ri quidem secundum genus, & nil agere vel dis-*
 “ *ponere præterquam irrationabiliter edere & bi-*
 “ *bere domique morari, & Kal. Maii præsidere*
 “ *coram totâ gente & salutari, obsequia & dona*
 “ *accipere*

"accipere & rependere, & sic secum usque ad alium Maium permanere."

I will render the Sense of it into English as near as I can: However the Latin lies before every Man to Translate it for himself. From henceforward the French Kings degenerating from the Valour and Learning which they used to have, the Power of the Kingdom was Administred by the Masters of the Palace, the Kings themselves being upon the Matter only Titular; whose Custom it was to come to the Crown indeed according to their Descent, and neither to Act nor Order any thing, but to Eat and Drink Unconscionably and to live at Home, and upon the *Kalends of May* to Preside in an Assembly of the whole Nation, and there to be Addressed, to receive their Allegiances, and Aids or Benevolences, and to Remercie them, and so to retire to the same Life again till another May came.

This French *Kalends of May*, is so much a Picture of Ours, that I know not which is the Copy, nor which the Original. Their's was an Assembly of the whole Nation; so was Our's. Annual and Anniversary; so was Our's. *It was tota gens Kal. Maii*, in France. Our *Folknote* looks extremely like it in those two Strokes. *Statutum est enim quod ibi debent populi omnes, & gentes Univerſa singulis annis,*

L.L. Edi.
Conf. cap.
35. de
Greve.

annis, semel in anno scilicet convenire, scilicet in capite Kal. Maii. For it was Appointed by Statute that all the People and Countries Universal should meet together at the *Folkmoete* each Year, namely, Once in the Year, namely, in the Beginnings of the Kalends of May. The King used to have fine Speeches made to him in France; so had we. They swore Allegiance to him; so did our Polke. They gave him Gifts (it was not New-Year's tide) Aids, Benevolences, call them what you will; and our People at the same time, as Sir H. Spelman said above, *Consulted of Peace and War*, which cannot be managed without Ways and Means of raising Money, which is the Sinews of War, as Laws are of Peace. The word *repender* at last in the French Kalends looks so like our French form of the Royal Assent given to a Money Bill, *le Roy Remercie ses Loyals Sujets*, that I know not how to render the word *Repender*, any otherwise than I did, by the word *Remercie*.

I know that the Year 661, was below K. Arthur's Time, but it appears that when the French Government was utterly spoiled in the Merovingian Family, as to the other Points, still they retained the old Custom of the Kalends of May, so that it was of much greater standing.

The Conclusion.

And thus I have finished what I at first propounded; but under such difficulties and disadvantages of a broken Health, as I do verily believe never Book was Written. And for that Reason, I am certain that the very Great Personages to whom I ventured to Offer it, (though it was upon presumption of a better Performance) will bear with it; to whom I wholly Submit it with all Defectance: and if one single Word of it should happen to be against Law, I here revoke it before hand. And for the same Reason I earnestly desire all Antiquaries and Learned Men to look further into this Matter, because I my self cannot: And as they see Cause, either to Confirm or Confute my Notion, which is Indifferent to me, because I only seek Truth. I do not speak this doubtingly concerning Annual Parliaments, for I am Positive in them; but if People will have the utmost of Antiquities, and the very Original of the Wisest and Justest Government in the World, they must sometimes be content to Read with Letters that are somewhat Worn; Though I have been of Opinion for many a Year, that the Kalends of *May* were very Legible. And

I am sure that I have by this Time gained my Point, which was to set ~~Wiser Men~~ upon Thinking.

I was afraid that this Government would float and move upon the Face of the Waters, till we were at a certainty about our Parliaments; and therefore when I waited upon my Lord *Devonshire* before the Coronation, and it is my Fault I have not done it often since, I said that we were never the Better for this Revolution till we had a Settlement of Parliaments, and our Ancient Right was Anniversary Parliaments, and that nothing else could set the Government to rights. Knowing how much he had Assisted the King, and seeing the white Staff in his Hand, I concluded upon his Interest with the King, and therefore said; My Lord, you may make a Complement of this Matter to the King, and tell him that we must have Good Laws, in a Good Reign, or never, for we cannot have them in a Bad one; but the Laws made in a Good Reign are to support us when a bad one comes, as the seven Years of Plenty in *Egypt*, sustained the seven Years of Famine. It breaks no Rules to repeat my own Discourse to his Lordship, and to say that he gave me the hearing, nor to say that a certain Knight pulled me by the Sleeve, which had no other Effect than to make me speak the more, and the

more

more earnestly to my Lord in that matter.

Likewise when Mr. *Johnston* the present Secretary of State for *Scotland*, told me in the Court of Requests, that the Bill of Rights was going up to the House of Lords, I wish'd at that Time that all the Rights were reduced to One Line which was our Right, To have a Parliament every Kalends of May. I tell these old Stories to shew that I was always of the same Mind, and that no Court neglects nor disappointments have Altered me; and I will Love this Court whether they will or no, for I am sure that I laid the Bridg that brought them over, and am pretty certain that they did not come hither in Virtue of *Passive-Obedience*.

FINIS.

ERRATA.

P. 19. l. 6. dele *The*. P. 30. l. 11. for, *the Year before*, read, some few Years before.